JOHNS HOPKINS UNIVERSITY STUDIES
IN
HISTORICAL AND POLITICAL SCIENCE
HERBERT B. ADAMS, Editor

History is past Politics and Politics present History. — *Freeman*

V

Local Government
IN
Michigan and the Northwest

Read before the American Social Science Association, September 7, 1882

By EDWARD W. BEMIS, A. B.

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HISTORICAL AND POLITICAL SCIENCE.

H. B. ADAMS, Editor.

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Michigan and the Northwest

[Extracts from the Ordinance of May 20, 1785, for ascertaining the mode of disposing of Lands in the Western Territory.]

"Be it ordained by the United States in Congress assembled, that the territory ceded by individual States to the United States, which has been purchased of the Indian inhabitants, shall be disposed of in the following manner:

"The surveyors . . . . shall proceed to divide the said territory into townships of six miles square, by lines running due north and south, and others crossing these at right angles, as near as may be,—

"There shall be reserved the Lot No. 16, of every township, for the maintenance of public schools within the said township."

[Extract from the Ordinance of July 13, 1787, for the Government of the Territory of the United States, north-west of the river Ohio.]

"Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

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LOCAL GOVERNMENT

IN

MICHIGAN AND THE NORTHWEST.

Not long ago, at a college in a neighboring State, a professor proposed for debate, "Resolved, That the New England town-meeting should be abolished." In a class of nearly one hundred, not ten could be found willing to discuss the subject, and only one showed a comprehension of its general bearings, — this in a New England college. So great ignorance, probably, does not prevail among those New England citizens whose duty at the polls has taught them something of the government of their town or city. Yet it is undeniable that few persons have any accurate knowledge of the local political institutions of other parts of the country than their own. For instance, in a recent conversation, a judge of acknowledged reputation for legal wisdom, in a State east of New York, a man even of legislative experience, said he was entirely unacquainted with the county government of the Empire State. A member of the supreme bench of one of the northwestern States confessed to much the same ignorance respecting Ohio.

Nor is the reason for this ignorance far to seek. The importance of the subject is hardly yet realized. We seldom value or study what we share with all around us. If money for schools, for roads, or for the poor is raised in the same manner in our town and the next, in our county and beyond, we assume it is so with our State and its neighbor, with the East and the West, with Pennsylvania and Illinois, with New York and Missouri, or, if we learn of a difference, we imagine that ours must be the better. If we go to our libraries for information, we return no wiser than we went. As the old method of writing history was to narrate the exploits of kings and their armies, so the study of politics is still mostly confined to the doings of Reichstag, Parliament, Congress, State Legislatures and Common Councils.

Previous to 1872, when E. M. Haines, of Illinois, read a valuable paper before the Social Science Association, on the "Growth

of Township Organization in the West," scarcely anything on the subject of local government, save Professor Parker's paper in the Proceedings of the Massachusetts Historical Society on the Towns of New England, had been written in this country. With the exception of a brief article by Galpin, in Walker's Statistical Atlas in 1874, only two or three short articles have since appeared, although such writers as Bancroft and Freeman have borne testimony to the need of information upon this subject. Several men at the Johns Hopkins University are now pursuing their investigations in this direction and their results will be published in a regular series of University Studies in Historical and Political Science.

Now what is meant by local government, and why is its treatment so important? The government of the United States consists of four distinct centres of political power: the central power, with its seat at Washington; the State, with its important legislative powers; the county, the seat of many judicial powers; and, lastly, cities and villages, and those small incorporations, rarely more than thirty-six square miles in area, into which more than half the States of our Union are divided, and which, in the East, are usually called towns, and, in the West, townships. The assembling of the electors together in these small civil divisions, at annual or special meeting, for determining, not only what officers shall manage the affairs of the township, but, as in many States, how such affairs shall be managed, what taxes shall be raised for schools, roads, bridges, parks, commons, cemeteries, public buildings, and other subjects of local concern, determining, too, what by-laws they will have for their regulation, and, in short, how the prudential affairs of the township shall be managed in the manner most conducive to its peace, welfare and good order; all this has an influence upon the people, the importance of which cannot be over-estimated. Of all the means of political education, none perhaps has been so effective in creating an interest in republican institutions as well as in calling forth the intelligence necessary for their preservation, as the town-meeting.

It is not, however, to the town-meeting alone that we refer when we speak of local government, but to all agencies by which matters purely local in character, are taken from federal or State jurisdiction and placed in the hands of the local authorities. County legislation and county powers, in so far as related to subjects of exclusively county interest, are just as much parts of local self-

government, as the government of town, village, or city. Indeed, the increasing tendency to transfer power from the State to the county is very marked in some sections and deserving of careful study. It needs but the slightest acquaintance with the workings of our State legislatures to convince any one that much of the corruption, the "log-rolling," and worse, which disgrace American politics, results from the control which is given to our legislatures over purely local matters by means of special legislation. Authority for building a bridge or house of refuge, erecting a town hall or a prison, is sought in the legislature, although only the one member from the district affected knows anything of the merits of the bill. If that member has already sold his vote none of his associates are sufficiently acquainted with the measure to defeat it, but pass the bill out of courtesy, while individual responsibility for the corruption or misjudgment is lost in the numbers voting. Not so when these questions are brought before the local district which alone is interested. Every member of a county or township-board is acquainted with the measure under discussion, and popular condemnation follows close upon abuse of trust. The worst class of men seek to enter our legislatures because of the profitable measures requiring their approval, but which might better be adjusted in local assemblies. Illinois, fourteen years ago, by passing an act forbidding local bills and special acts of incorporation, and relegating all that was necessary to the local bodies, diminished her pages of statute laws from three thousand to two hundred. Understanding, then, the importance of local government, both for political education and pure administration of public affairs, it becomes of great interest to study our various systems of local self-government, both in their development, present condition, and probable future.

Although from the same stock, and subjects of the same laws, the settlers along the northern and southern portions of our Atlantic coast were led by circumstances, which we need not here discuss, to adopt very different systems of local government. At the beginning, the parish of South Carolina resembled the New England town, as a student from the Palmetto State has shown; but, by 1850, nearly all power in the South was concentrated in the State and county, while in New England the local unit endured. But town and parish were survivals of the old English and German village community. The theory of State rights was

a favorite one at the South, but decentralization of power, or local self-government, was much greater at the North.

We might study simple town government in New England, or its modified form in New York. But it would be as interesting, and more instructive, to any one investigating the ultimate effect of these institutions and their relative merits, if we could find some large area of country where the two systems of centralized and decentralized power have been brought together on a new field; and especially interesting would it be if any one method of government had gained the ascendency after a fair trial of strength. Such a country is that which was originally called the Northwest Territory, or that beyond the Ohio, land that is now divided into the five States of Ohio, Indiana, Illinois, Michigan, and Wisconsin.

The French,[1] the early settlers of Michigan, and of a few places to the South and West, were never given local rights, but were under military and personal government. Land was granted on feudal conditions,[2] while trade was in the hands of a close corporation. One great trouble with the French settlements and a chief cause of their decline, was their entire lack of local government. "The progress of France," says Lecky,[3] "in more distant quarters [than Europe] has been restricted by an incurable incapacity for successful colonization, due principally to the French passion for centralization and over administration." French colonization in this country was contemporaneous with the increasing centralization of French institutions under Louis XIV. Everything must be done for the people, nothing by them. Modern French history is a sufficient commentary on such a system. With all local officers appointed at the capital, Paris was the most powerful corporation in the State. If the Parisians favored kingdom or republic, this was the government of France. The present stability of the French Republic is partly due to the powerful and awakened conservative influence of the peasantry, who are allowed far more local government than eighty years ago.

[1]For a very interesting account of French customs, character, mode of life, education, etc., see paper on The Early Colonization of Detroit, by Bela Hubbard, Michigan Pioneer Collections, Vol. I, pp. 347–368.

[2]This is well described in the early chapters of J. Campbell's valuable work, "The Political History of Michigan."

[3]History of England in the Eighteenth Century, Vol. I, p. 358.

The evils of centralized government increase directly with the separation of the governing and the governed. The effect is well described by Judge Campbell in a recent paper.[1] "A system of personal oversight," he says, "was maintained over every man who came into the country, and there is no instance recorded, and probably none existed, where any one ever settled down in the wilderness as a squatter or pioneer and cleared a farm for himself. There were no farming settlements except under restricted and fixed regulations, and every one who went into the country went as a roving adventurer, and not as a settler." Complete centralization left no room for independence.[2] The natural result was seen when invasion came. As long as the feudal lords were honest and patriotic, resistance to conquest was strong; but when those in authority proved false, the colonists fell helpless before the English, instead of resisting as did the settlers of the Atlantic coast in 1776.

Under British control there was still no local government in the Northwest. The governor and council had almost absolute power. There were less than four hundred Englishmen, and the idea that Frenchmen were entitled to representation, or even to the right of *habeas corpus*, was deemed preposterous. Partly in consequence of such facts, few settlers were attracted to this region, and population increased slowly.[3]

On the evacuation of the territory, in 1788, the country assumed the name of the Northwest Territory, and was organized in accord-

[1] Early French Settlements in Michigan. Pioneer Coll., Vol. II, p. 96.

[2] "Simple and frugal in their habits, contented with their lot, they renewed in their forest recesses of the new world, the life of the old. They were free from ambition and its cares, and without aims. While they enjoyed much personal license, they had no conception of municipal freedom and of self-government — of liberty regulated by law, originating from the will of the governed themselves. They received with equal and unquestioning submissiveness their law from the king and his subordinates, and their religion from their priests." The Northwest during the Revolution, by Chas. I. Walker. Mich. Pioneer Coll., Vol. III, p. 14.

[3] Many went to St. Louis, Arkansas and New Orleans. "Detroit, which had probably numbered more than 600 inhabitants in 1763, had but about 300 at the commencement of the Revolution. The whole Detroit settlement did not then exceed 700 or 800, in the place of 2500, as estimated by Rogers in 1760. . . . . No new settlements had been formed, and I am satisfied that at the commencement of the Revolution, exclusive of officers and soldiers and their families, the entire white population of the Northwest did not exceed 5,000 souls." Mich. Coll. Vol. III, p. 15.

ance with the provisions of the Ordinance of 1787, the importance of which can scarcely be exaggerated. It secured freedom, education and political development to what are now five great States, Ohio, Indiana, Illinois, Wisconsin and Michigan. We cannot trace the growth of these individual States. It will answer our purpose to sketch as briefly as possible the growth of local powers in that one of the five which first adopted the town-meeting, and by its success induced many other States, west and south, to make the same attempt with as marked success.

Counties were established in Michigan by Gov. Hull, in 1805, and for the same object as the counties of old Virginia,—for judicial purposes. Indeed, one-fourth of the laws of Michigan at that time were taken from Virginia and the rest from Ohio, Massachusetts and New York, in about equal proportions.[1] As the Ohio legislation was in part a copy of Virginia and Pennsylvania laws, the influence of the two different systems of local government, centralized and decentralized, was about equal. The French preferred central control, but most of the new settlers were from New York and New England where local power was most developed. In 1815,[2] before a sign of local government was visible in the rural districts, an act reincorporating Detroit allowed the electors in town-meeting to levy taxes for such purposes as they saw fit. The same power was granted to Prairie du Chien in 1821.

The growth of local power outside of the cities was somewhat as follows: Gov. Hull, before 1813, appointed commissioners to supervise the highways and bridges in the as yet unincorporated townships or divisions of territory six miles square, into which all western land is divided by the government surveyor. Then these commissioners in 1820 were given the relief of the poor. Soon after, in the same year, by vote of the governor and judges, it became the duty as well as privilege of the governor to appoint three county commissioners, with somewhat enlarged powers.

In 1825, Congress gave power to the governor and council of Michigan to incorporate townships and provide for the election of county and township officers. This may be considered as the foundation of local government in Michigan, establishing, as it did, local elections for all local officers; but the powers of the county

[1]This statement is based on an analysis of the Territorial Laws, published in one volume.

[2]See Territorial Laws. Acts of 1815.

still vastly exceeded those of the town. From a law of 1827 we judge that the town-meeting could only appropriate money for the destruction of noxious weeds, birds and animals, and for the maintenance of the township poor. Another and important power was, however, conferred upon the township that year, namely, raising money for schools. From that time until the present, the powers of the township have slowly but continuously increased.

The genesis of local government in Western hamlets is very simple. First comes the settler, who, axe in hand, clears the ground for his humble dwelling and plants whatever seed he has brought with him. Then comes another settler and another, until, perhaps, a dozen families are established near. Two wants are now felt: roads, or at least paths, from house to house, from hamlet to market town, and a school-house for the multiplying children. There is no strong central authority to provide these things, but the settlers meet and voluntarily vote to tax themselves. The services of a supervisor, collector, clerk, constable, and justice of the peace are required. Many a township record begins like that of Burlington.[1] "Was organized in 1837, and held its first township meeting, April 3d, of that year, electing Justus Goodwin, supervisor; O. C. Freeman, town clerk; Justus Goodwin, Gibesia Sanders and Moses S. Gleason, justices of the peace; Levi Haughtailing, constable and collector. Established six road districts; voted, $100 to build a bridge across the St. Joseph river, and $50 for bridging the Nottawa creek. Voted, $50 for common schools and $5 bounty for wolf scalps." The township would naturally assume other powers in due time with the increased community of interests.

The local institutions of the East were transplanted to a new soil, losing in the journey none of their pristine vigor, but casting off such portions as were found unsuited to a change of circumstance and time. Of the four supreme court judges of Michigan, three are of New York or New England birth. The same is true of fifteen of the twenty-four State circuit judges. Five of the latter are of Michigan birth, and three of Ohio.[2] Probably no State can rival Michigan in number of sons from New York and New England. Of the 496 members of the Michigan Pioneer Associa-

[1]Records of Burlington, Calhoun Co. Mich. Coll., Vol. II., p. 211.
[2]Michigan Manual for 1881, pp. 413-423.

tion in 1881, 407 are from these sections.[1] From such a fact alone we might expect an aptitude for local government; but apart from this, the kindred fact of participating in the organization of communities and new governments, has had much to do with the easy transplanting of local institutions, and with the energy and force of character displayed by the settlers. "There is something so staid, so stereotyped, so entirely finished in those old settlements," [of the East] remarks a recent speaker,[2] "that there is small opportunity for development; but let the persons that are there struggling for an existence amid those old fossilized, stereotyped institutions, start out into a new country, and they can get into a position in the organization of society, the organization of States, the organization of counties, the organization of towns, the organization of villages, the establishment of schools and churches; and thus it is by being brought into contact with this necessity the opportunity is afforded to develop into a higher type, and a greater vigor of life, than is possible in the old country."

A marked feature of the political development of Michigan, is the influence of the governors and judges of the territory. Their legislation, in the words of Judge Campbell, was "rather a first preparation for popular government than the result of popular discontent." From 1813 to 1831, Governor Cass was a great power in the territory. He was thoroughly imbued with New England ideas of local government, under which he was born and brought up. He it was, more than any one else, who instituted county and town government in Michigan. He gradually abandoned the appointment of county and township officers, and urged, nay required the people to elect them. He evinced his far-reaching discernment and foresight in the following words: "In proportion as government recedes from the people, they become liable to abuse. Whatever authority can be conveniently exercised in primary assemblies, may be deposited there with safety. They furnish practical schools for the consideration of political subjects, and no one can revert to the history of our revolutionary struggle without being sensible that to their operation we are indebted for much of the energy, unanimity and intelligence which was displayed by our

[1] Michigan Pioneer Collection, Vol. I, p. 92; Vol. II, p. 186; Vol. III, p. 268.

[2] See Michigan Pioneer Collection, Vol. II, p. 398.

government and people at that important crisis."[1] And in this he voices the sentiments of Jefferson, who says: "These wards, called townships in New England, are the vital principle of their governments, and have proved themselves the wisest invention ever devised by the wit of man for the perfect exercise of self-government and for its preservation."[2]

In the constitution which Michigan adopted on becoming a State, in 1837, the governor had important powers. With the consent of the senate, he could appoint the judges and all State officers; could adjourn the legislature if he thought fit, and could remove from office not only State officers, but even those of the county and township if he thought them incompetent. Internal improvements also were sanctioned. All this is now changed. By the constitution of 1850 the power of the governor was greatly restricted. Nearly all offices, ministerial as well as county and town, were made elective; while mismanagement of the finances in making internal improvements had so displeased the people, that the power was taken away. Exclusive control was given to the county board of supervisors in the settlement of claims against counties,[3] and the express provision was inserted that the legislature might confer upon politically organized or incorporated townships, incorporated villages and cities, and upon the boards of supervisors of the several counties, "such powers of a local legislative and administrative character as they may deem proper."[4] The county seat cannot be removed without vote of the electors, and when, in 1870, the constitutional amendment was submitted to popular vote, allowing county supervisors to raise $2,000 for public buildings, highways, bridges, etc., without vote of the county, instead of $1,000 as at present, the admendment was defeated, 61,904 to 39,180.

[1]Life of Cass by W. G. L. Smith, p. 181.

He also says: "Those institutions have elsewhere produced the most beneficial effects upon the character of communities, and upon the general course of public measures. They embrace within their scope those questions of local police which are necessary to every citizen, and which every citizen is competent to discuss and determine. In the more extensive concerns of a country the necessary regulations for these subordinate matters cannot be adopted and enforced" [by the central authorities].

[2]Letter of Jefferson to Samuel Kerchival, July 12, 1816. Writings, Vol. VII. p. 13.

[3]Constitution of 1850, Art. X, Sec. 10.

[4]Article IV, Sec. 38.

Michigan was the first State in the West to adopt the town-meeting. She has been followed in this by Wisconsin, Minnesota and Illinois. The three States—Ohio, Indiana and Illinois, were settled more largely by people from Pennsylvania, Kentucky and Virginia, than were Michigan and Wisconsin. As a natural consequence they have adopted a compromise system similar in many respects to that of Pennsylvania. Ohio[1] and Indiana[2] have township officers elected by the people, but few questions of an administrative or legislative character are submitted to the voters. In Illinois,[3] however, in 1848, a law was passed[4] by which a vote of a majority of the legal voters allows a county to adopt township organization with power lodged in the town-meeting, as in Michigan and Wisconsin. Seventy-five of the one hundred and two counties have already so voted; seven since 1870, and there is no doubt but that the others will follow.

The town meeting in Michigan[5] is thus conducted:—The first Monday in April of each year, every citizen of the United States, twenty-one years of age and upwards, who has resided in the State six months and in the township the ten days preceding, has the right of attending and participating in the meeting. The supervisor, the chief executive officer of the township, presides, and, with the justice of the peace, whose term of office soonest expires, and the township clerk, constitute the inspectors of election. After the choice of officers for the ensuing year the electors proceed, from twelve to one or three, as the case may require, to the discussion of town business. Complaint is perhaps made that the cattle in a certain part of the township are doing damage by running at large; a by-law is passed, forbidding the same under penalty not exceeding ten dollars. A bridge may be wanted in another part of the township, but the inhabitants of that road district cannot bear the expense; the town-meeting votes the necessary amount, not exceeding the limits of law, for the laws restricting the amount of taxation and indebtedness are very particular in their provisions. The electors may regulate the keeping and sale of gunpowder, the licensing of dogs, and the maintenance

[1]Revised Statutes of Ohio, 1880, Part I, Titles X and XI.
[2] " " of Indiana, 1881, Chap. 90, Article 32.
[3] " " of Illinois, 1880, Chap. 139.
[4]For law as amended, see Illinois; L, 1861, pp. 216–218.
[5]Howells' Annotated Statutes of Mich, 1882, § 669–717.

of hospitals, and may order the vaccination of all inhabitants. The voters in town-meeting are also to decide how much of the one-mill-tax on every dollar of the valuation shall be applied to the purchase of books for the township library, the residue going to schools. The annual reports of the various township officers charged with the disbursement of public moneys also report at this time. In short, whatever is local in character and affecting the township only, is subject to the control of the people assembled in town meeting.[1] Yet we may notice some minor differences between the New England town-meeting and its sister in Michigan. In the latter, the by-laws and regulations are less varied in character. This is due to the fact that in the West, that part of the township where the inhabitants are most numerous, the village, and for whose regulation many laws are necessary, is set off as an incorporated village, just as in nearly all the central and western states. These villages have the privilege, either directly in village meeting, or more often through a council of five or more trustees, of managing their own local affairs, their police, fire department, streets and water works.[2] In some States, however, they are considered parts of the township, and as such vote in town-meeting on all questions touching township roads, bridges, the poor and schools.

[1]The voters may order the raising of any sum within certain limits which they may consider necessary or proper for the ordinary expenses of township government or for special local purposes. [See Upton v. Kennedy, 36 Michigan, 220.]

The extreme local self-government of Michigan is nowhere more strongly defined than in a decision of Judge Cooley and associates on the supreme bench, in Robbins v. Barron, 33 Mich. 126: "The board of supervisors [of the county] do not originate township or school taxes, but they take the certificate of the township clerk of the several amounts which the proper authorities have voted for those purposes and direct the amounts specified, if they appear to be authorized by law, to be spread upon the tax-roll of the townships. The supervisors have no discretion in the premises; they have only to see that the sums are authorized by law and then their duty to give the proper direction is imperative. If they should wrongfully refuse to give it, they might be compelled by *mandamus* to do so. But we also think that if the township authorities should proceed to levy the taxes which had been lawfully voted, their action would be perfectly valid whether the proper direction had been given by the supervisors or not. . . . The action of the supervisors is not, we apprehend, required to give the local officers power in the premises, but rather to insure the duty being surely and regularly performed."

[2]Towns may now, in Massachusetts, authorize districts to maintain street

Similar powers are lodged in the town-meeting in Wisconsin,[3] Minnesota,[4] and Illinois ;[5] Minnesota, as a territory, had the county system, there being no incorporated townships. On becoming a State in 1858, the Illinois system was adopted bodily, and changed again at the end of two years for the county system ; but soon the New England settlers compelled a return to the township system. In some important respects the New York town meeting[6] has less power than further west, as witness the provision allowing the town highway commissioner to expend $250 a year without vote of the town.[7] The electors as a body are not usually called upon in New York to determine directly, at the polls, questions of local management and expenditure, and even when so consulted their vote is more frequently considered advisory than binding, for local government in New York finds its greatest development in the county board.

Any study of town goverment would be incomplete without an examination of the powers and duties of town officers. "The capacity for self government," says Von Holst,[8] "shows itself to a very essential degree in the moderate self limitation by the people of their direct political activity and a correct perception of the things which they can better accomplish by their delegates." In the early days of the New England town the number of officers was proportioned to the variety of duties required of them. De Tocqueville, fifty years ago, mentions nearly twenty town officers as the usual number. But the tendency now is toward consolidation.

In Massachusetts[9] the three selectmen are usually assessors, overseers of the poor, of public health and roads, besides carrying out the orders of the town-meeting and managing most of the

lamps, libraries, sidewalks, police, and a fire department. [See Public Statutes of Mass. 1882, Chap. 27, Sec. 37.]

[3]Rev. Stat. Wis. 1878, Chap. XXXVIII.

[4]Rev. Stat. Minn. 1878, Chap. X, Secs. 1–35.

[5]Rev. Stat. Ill. 1880, Chap 139, Secs. 1–83.

[6]Rev. Stat. N. Y., 7ed., Chap. XI, Title II, Article 1. and Title VI. L, 1847, Chap. 197. L, 1872, Chap. 513. L, 1873, Chap. 46.

[7]Rev. Stat., 7ed, Chap. XVI, Title I, Article I, Sec. 4; L, 1832, Chap. 274, and L, 1857, Chap. 615.

[8]Constitutional History of the United States. Vol. III, p. 155.

[9]Pub. Stat. of Mass., 1882, Chap. 27, Sec. 101; Chap. 52, Secs. 3, 4 : Chap. 80, Sec. 3; Chap. 102, Sec. 90, etc.

town business. Michigan, following the example of New York, has but one important local officer — a supervisor,[1] whose duties are rather executive and clerical than administrative. As assessor he takes the valuation and submits it to the county board for revision. Receiving again the valuation as corrected, and from the township clerk a statement of the amount to be raised, he apportions the tax among the inhabitants, and delivers the list to the treasurer for collection. He is required to take the State census every ten years, to report violations of the liquor law, to inspect dams and see to the maintenance of shutes for fish. He provides temporary relief for the poor of the township, and represents his township in the transaction of all legal business. Michigan townships have but one supervisor, yet there is always a township board,[2] composed of the supervisor, township clerk, and those two of the four justices of the peace whose terms of office soonest expire. This board exercise many of the powers of the Massachusetts selectmen. They may remove school district officers for illegal use of money; they are the court of appeal for all dissatisfied with the decisions of the highway commissioner; they yearly examine and audit the accounts of the township treasurer, and of all others charged with the disbursement of the public money; they determine the bond of the clerk, preserve town records, call special town-meetings, fill vacancies in town officers, may raise money for necessary purposes when the town has neglected to do so, and exercise other powers of a similar nature, while as a board of health they possess other important powers. Wisconsin[3] has three supervisors who correspond to the New England selectmen. The assessor is a separate officer elected by the people. Minnesota is still more like Massachusetts, for the three supervisors have charge of the roads and bridges also, and review the assessment list. In Ohio there are three township trustees who have the entire charge of local affairs, being, with the clerk and treasurer, the only township officers. In Indiana, with but one township trustee

[1]See Green. Township Laws of Michigan, 1879.

[2]Ibid; and Howell's Annotated Stat., Secs. 744–750.

Under the Revised Statutes of 1838, p. 64, Sec. 40, the township board was authorized to raise money, independently of any vote of the electors, to pay claims audited. This power was not mentioned in the Revised Statutes of 1846, and in 1849, March 31, Art. 200, the board was prohibited from voting any sum for any purpose other than ordinary township expenses.

[3]Rev. Stat. Wis. 1878, Secs. 819–827, and Chap. 52, etc.

and no township board, more power must be given to the county, and no taxes are there levied without the advice and consent of the county commissioners. The same is true of New York. The town supervisor is largely controlled by the county board. The duties of the other township officers,— the clerk, treasurer, highway commissioner, constables and justices of the peace — are sufficiently indicated by their titles.

Inasmuch as many of the thousand or more townships of a State lack the political education and conservatism necessary for perfect self-control; since also many through lack of means cannot raise sufficient money for roads, bridges, schools and the poor, a higher authority is needed, with the power of equalizing the valuation of several contiguous towns, of taxing the whole number for the benefit of the poorer, and of exercising a general oversight over township expenses. This power resides in all States, to a more or less degree, in a county board. In New York, where no tax can be raised save for schools or a town hall, and no bridge rebuilt, in town or village, without the approval of the county, it may be well to have the board composed as there of the supervisors of every town in the county; but where the powers of the county are not as great, *e. g.* in New England and much of the West, three commissioners elected by the whole county or its districts are better. In Michigan, for instance, which has borrowed the organization of the county board from New York, and its powers from Massachusetts, the board is too large. Judge Cooley, in a recent letter, sharply criticises it. There is so little responsibility in a board of 16 to 24 members, that there is a likelihood of illegal and unwarranted action. Matters of local concern are controlled by combinations in the board. Illinois has the Michigan system. Wisconsin has a board composed of men chosen from two or more towns. Minnesota has three county commissioners with little power. Further west the county renders valuable aid in raising money for schools, for the tax from the richer towns aids the schools of the poorer.

The importance of this power is not fully appreciated. For lack of similar provision in Massachusetts, there is scarcely any State or county aid or control of schools. Every town is left to its own resources with poor results. All educators earnestly advocate county and State control of schools, that there may be uniformity of methods, and that the country districts, the nurseries

of our great men in the past, may not degenerate. But two influences oppose: the fear of centralization on the part of the small towns which need it most, and the dislike of the rich cities to tax themselves for the country districts.

We have reserved until now the consideration of the relations of local government to public education. A government like ours, resting on public opinion, must educate the voters. Convinced of this, the intelligent and far-sighted statesmen of the last century passed the ordinance of May 20, 1785, which gave one section of land a mile square in every township in new States and territories for school purposes, to be kept as an inalienable fund. In accordance with this ordinance and that of 1848, introduced by Senator Douglas, which gives two sections instead of one, there have been given to nineteen States and eight territories for school education, over 106,000 square miles, or nearly as much as all New England and New York.[1] A wiser provision was never made by government, but its value is not confined, as is usually supposed, to its direct effects on public school education. "Local self-government," says a recent English writer, Bishop Frazer, "is the mainspring of the American school system."

As the immigrants surged westward, from Ireland and from Germany, from the Connecticut and the Susquehanna, they found a vast educational fund awaiting them, but to secure its benefits local organization of school districts and local taxation were necessary. The public fund alone was not sufficient, but it acted as a great stimulus. Now what has been the result? Dakota has already 400 school districts where the voters meet at annual and special meeting to discuss and vote local taxes for everything relating to school purposes. In short the district meeting is modelled after the town-meeting for which it is the fitting school.

In Michigan, the voters in district meeting direct the purchase of a site and the building of a school-house, the amount of the tax, however, being strictly limited by law.[2] They also may vote

[1] 46th Congress, 3d session House of Rep. Ex. Doc. 47, Part 4, pp. 223–231, or Report of U. S. Com. of Education, 1880, pp. XXVII, XXXIV.

[2] Act No. 164, L. L. of 1881 (§ 27), Chap. II, Sec. 20. The voters have power "Sixth, to vote such tax as the meeting shall deem sufficient, to purchase or lease a site or sites, or to build, hire or purchase a school-house or houses; but the amount of taxes to be raised in any district for the purpose of purchasing or building a school-house or houses in the same year that any bonded indebtedness is incurred, shall not exceed in districts containing less

to repair the school-house, to provide the necessary school apparatus, direct the sale of school property and the management of suits at law. They also determine the length of school terms, while the district board of three elected officers estimate and vote the tax for the entire support of schools over and above what is voted by the electors.[3]

When, however, we speak of the school district meeting as a preparation for the town-meeting, we are not ignorant of the many injurious effects attending the district system in the older States. It caused, and continues to do so in some States, such subdivision of school moneys, and such local strife, as to injure greatly the efficiency of the schools.

In some States, notably Massachusetts, the town system has been substituted with good results. Under this latter system, all the money for the school districts of a town is voted in one sum at the town-meeting, and afterwards applied at the discretion of the public school committee.[4] But where township government does not exist, and the people are too scattered to have similar interests, the school district system is the only one practicable, and its effect in promoting local government is manifest.

In 1880, some 35,000 of the 100,000 people in Southern Dakota were from Michigan, Wisconsin, Minnesota, Illinois, and other States which have complete local government, and the town-meeting has already been introduced by popular vote in the more thickly settled counties.[5]

than ten children between the ages of five and twenty years, $250; in districts having between ten and thirty children of like age, it shall not exceed $500; and in districts having between thirty and fifty children of like age, it shall not exceed $1,000."

[3]Districts, with eight hundred children between five and twenty, must maintain a school nine months in the year, and not less than five months where there are from thirty to five hundred children, and at least three months for smaller neighborhoods, on pain of forfeiture of their share of the one-mill tax and primary school interest fund. But if this is not provided for at the annual district meeting, the district board must make provision for it.

[4]Pub. Stat. Mass. 1882, Chap. 44, Sec. 28, 46–48.

[5]R. F. Pettigrew, Congressional delegate from Dakota, writes as follows: "Dakota Territory, at least that portion south of the 46th parallel, has been settled very largely by people from Wisconsin, Michigan, Iowa, Minnesota, Illinois and Indiana. In 1880 there were 100,000 people in Southern Dakota; 10,000 of whom were born in Wisconsin, 6,000 in Minnesota, 5,000 in Iowa, 4,000 in Illinois, and 4,000 in Michigan, over 2,000 in New York, and many

Montana, equal in size to Dakota, has too small a population as yet (only 40,000) for township organization; but here, too, over an area three times as large as Pennsylvania, we find school districts, 105 in number, with local powers.[6]

The same may be said of Idaho[7], Washington Territory[8], Oregon[9], Wyoming, Colorado, Nevada, California, Kansas and Nebraska.[10] In some, as *e. g.* in Idaho and Washington Territory, the people do not have the entire management of their schools in school district meeting, for the county commissioners, usually three in number, assess a tax of from one to eight mills on a dollar in addition to funds arising from the sale of public lands, but the voters are called upon to elect district trustees, to vote yes or no on the question of some specified sum which these trustees may propose as a local tax, and also to decide in district meeting all questions relating to building, repairing or removing a schoolhouse.

The township six miles square is impossible in Colorado, where the people live in the mountains and valleys, along the banks of streams, or in long narrow belts on the plains, where the land can be irrigated. Nevada has begun township organization, although

were born in the New England States. The township organization is adopted as each county becomes sufficiently settled to maintain it. It is adopted by the whole county by the votes of the people. Only the older counties now have the township organizations. The other counties are adopting this system as fast as they obtain sufficient wealth and population. There is no question but what within a very short time every county in Dakota will possess the township system similar to New England. This system will spread into all the territories of the Northwest. It is the bulwark and foundation of free institutions, and is the school in which men are taught the science of self-government more than any other."

See also Rev. Stat. 1877, Chap. 23.

[6]Report for 1878–9 of Hon. W. Egbert Smith, Ter. Supt. of Public Instruction, of Montana.

[7]In 1880, 149 school districts, an increase of 55 in one year. Report of Ter. Supt. of Education, 1879–80, p. 30.

[8]In 1881, 536 school districts. While in 1879, 375 reported. Rep. Ter. Supt. 1881, pp. 9, 10.

[9]A population of less than six to the square mile renders township organization impossible. Nearly all of the 26 counties have each an area equal to Delaware and Rhode Island united, but here also we find provision for voting of local taxes in the 1007 school districts.

[10]Consult the School Laws and Educational Reports of the Territorial and State Supts., or the summary given in the Report of the U. S. Commissioner of Education for 1879 and for 1880.

most of the power resides in the county commissioners. Township organization, similar to that of Indiana, has just been provided for in the Constitution of California. Kansas has 999 townships, similar to those of Indiana, with township officers but without the town-meeting. Provision was made for township organization in Nebraska, in the Constitution of 1877, and two acts in accordance with it have since been passed, but failed to become law; the first act being declared unconstitutional, and the second, in 1881, being vetoed by the governor because of its many defects. But another attempt will soon be made. In Ohio, and Indiana, and Iowa, the voters are required to approve the expenditure of money for school buildings and a few other purposes, though nearly all other local expenditures are left to the discretion of the township and county officers. Missouri adopted optional township organization in 1879, and already thirteen of the 114 counties have voted it. As might be expected, the great trouble[1] has been in securing the large number of competent officers requisite for township administration. Such a change as that from county to township government cannot be made in one year or five years. It is only of the tendency we are speaking. In Missouri much power is lodged in the voters in district meeting, but, as elsewhere, subject to strict limitations in the amount which they can raise. Thus we have found that the increase of local powers has been unprecedented during the last decade, and seems destined to continue until all the great West and Northwest have experienced its benefits. The following table, compiled from the census of 1880, gives some of the more important facts concerning local self-government in those States where it is most complete:

	No. Townships.	No. Counties.	Population.
Maine,	455	16	648,936
New Hampshire,	230	10	346,991
Vermont,	239	14	332,286
Massachusetts,	326	14	1,783,085
Connecticut,	166	8	622,700
Rhode Island,	34	5	275,531
All New England,	1,450	67	4,009,529
New York,	937	60	5,082,871
New Jersey,	236	21	1,131,116
Illinois,	1,008	75	2,649,841[2]
Michigan,	1,054	77	1,636,937
Wisconsin,	891	62	1,314,497
Minnesota,	1,100	72	780,773
	6,676	434	16,605,564

[1] Letter from State Supt. Public Instruction, July 23d, 1882.

[2] Only three fourths of the State have as yet adopted township organization.

While emphasizing the important bearings of school district organization upon the development of local government in the new Northwest, we cannot forbear a brief reference to a similar and noteworthy movement in an older section of our Union.

Now that the large plantations of the South are being divided and manifold industries are taking their place, the mechanic and the artisan appear at the cross-roads and form the nucleus of a village, instead of finding employment on the lands of wealthy planters; and with the village hamlet comes the first beginning of local self-government. A few towns in South Carolina have recently incorporated themselves for local taxation for school purposes, and the movement is spreading.[1] Thanks to the increasing agitation of prominent Southern educators, the people already have this right of local taxation for school purposes in Kentucky, Tennessee,[2] Virginia,[3] and West Virginia;[4] while in Alabama,[5] by recent enactment, the school officers are required to call meetings of the patrons of the schools and consult with them concerning school matters. These movements toward local government are very recent and will doubtless increase if the national government, in giving money to public education, as is proposed, shall couple it with the condition that an equal amount shall be raised by local taxation. Some of the Northwestern States have long done this, withholding aid from districts which failed to maintain schools for a certain number of months in the year. We are again reminded of the words of Jefferson[6] when writing of this very subject—local incorporation for schools—he remarks: "Where every man is a sharer in the direction of his ward-republic [*e. g.* school district or township] or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than [allow] his power [to] be wrested

[1]Report State Supt. of S. C., 1881, pp. 11, 15, advocates it strongly.

[2]In cities and incorporate towns by act of legislature in 1881, see Report State Supt. Tennessee, 1881, p. 6.

[3]See School Laws, and Report of U. S. Com. of Education, 1881.

[4]Idem.

[5]School Laws, ed. of 1881, pp. 15, 16.

[6]Letter to Joseph C. Cabell, Esq., Feb. 2d, 1816. Writings, vol. VI., p. 544.

from him by a Cæsar or a Bonaparte. How powerfully did we feel the energy of this organization in the case of the embargo. I felt the foundations of the government shaken under my feet by the New England townships. There was not an individual in their States whose body was not thrown with all its momentum into action; and although the whole of the other States were known to be in favor of the measure, yet the organization of this little selfish minority enabled it to overrule the Union. What would the unwieldy counties of the middle, the south and the west do? Call a county meeting, and the drunken loungers at and about the court houses would have collected, the distances being too great for the good people and the industrious generally to attend. The character of those who really met would have been the measure of the weight they would have had in the scale of public opinion. As Cato, then, concluded every speech with the words, '*Carthago delenda est*,' so do I every opinion, with the injunction, 'divide the counties into wards.' Begin them only for a single purpose; they will soon show for what others they are the best instruments."

The wish of Jefferson seems destined to be fulfilled. As the New England town was built up about the church, so the Western and Southern town is centering its political activity about the school. It is also noteworthy that it is in the local government of the school district that woman suffrage is being tried. Says United States Commissioner of Education, John Eaton, in his last report:[1] "Women's opportunities to influence education as voters and school officers have been greatly enlarged [during 1880–1881]. They may vote at school meetings in Kansas, Nebraska, New Hampshire, Vermont, Dakota, and Wyoming; at school elections in Colorado and Minnesota; and for members of school committees in Massachusetts. They can vote at school meetings in Michigan and New York if they are tax-payers; in Washington Territory if they are liable to taxation. Widows and unmarried women in Idaho may vote as to special district taxes if they hold taxable property. In Oregon, widows having children and taxable property, may vote at school meetings. In Indiana, 'women not married nor minors, who pay taxes and are listed as parents, guardians, or heads of families, may vote at school meetings.' In Kentucky, any white widow having a child of school age, is a qualified school voter; if she has no child, but is a taxpayer, she

[1] Report of U. S. Com. Ed., 1880, p. XXV.

may vote on the question of taxes. Women are eligible to school offices generally in Illinois, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Pennsylvania, Vermont and Wyoming; to school district offices in Colorado; to any office except State Superintendent in Wisconsin. They may serve on school committes in New Hampshire and Rhode Island, as school trustees in New Jersey, and as school visitors in Connecticut. Some offices are open to them in Maine, and all offices in California, unless specially forbidden by the constitution. In Utah, no discrimination on the ground of sex is made as to voting in general."

If society be an organism wherein the good of each member is the good of the whole, then the importance of local self-government is established. For does not this system of self-government bring to the masses that self-respect and feeling of equality before the law which is a prime condition of progress? Does it not also compel, for the sake of self-protection on the part of the more cultured, such attention to public education as will give the humblest citizen the means of determining what is for his true interest and for that of society? History gives but one answer. We note a growing tendency to give the general government more control over vast public interests, such as railroads and telegraphs; and with the improvement of the civil service this form of centralization will be rapidly developed. We also note a corresponding increase of local power over matters of purely local interest. Centralization of national interests, in so far as we can properly speak of centralization under a republican government, and decentralization of local interests, are principles not contradictory but harmonious, and they are coming into prominence with every decade of our history. Methods may change, but progress is still the watchword, and the nation still lives in the strength and devotion of citizens whose powers have been developed, whose self-respect has been aroused under the American principle of local self-gevernment.

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VI. The Parish Institutions of Maryland. With Illustrations from Parish Records. Read before the Historical and Political Science Association, May 19, 1882. By Edward Ingle, A. B. Johns Hopkins University, 1882. (Now ready. Price 40 cents.)

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